

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T-MOBILE USA, INC.,

Plaintiff,

v.

HUAWEI DEVICE USA, INC., *et al.*,

Defendants.

Case No. C14-1351-RAJ

ORDER

This matter comes before the Court on Defendants Huawei Device USA, Inc. and Huawei Technologies Co. Ltd.’s Motion to Strike Portions of the Supplemental Report of Michael A.M. Davies. Dkt. ## 221, 223. Defendants seek to strike portions of an expert report that, at the time of filing, Plaintiff T-Mobile USA, Inc. had not offered into the record. The Court **DENIES** Defendants’ motion as improper. While Defendants characterize their motion as a “proper discovery motion,” Dkt. # 240 at 3, they invoke no provision of the Federal Rules of Civil Procedure or Local Civil Rules as a basis for seeking their requested relief. *See Nautilus Grp., Inc. v. Icon Health & Fitness, Inc.*, No. C02-2420RSM, 2006 WL 6863903, at *1 (W.D. Wash. Nov. 6, 2006) (denying motion to strike as improper where “there was nothing to ‘strike’ when defendant filed its motion”). To the extent Defendants wish to challenge the admissibility of evidence at trial, they can do through the pre-trial motions in limine process. To the extent they wish to challenge the use of the challenged materials at the summary judgment stage, the proper manner by

1 which to do so is governed by Local Civil Rule 7(g). *See Nautilus Grp., Inc.*, 2006 WL
2 6863903, at *1. Defendants' motion is **DENIED**. Dkt. ## 221, 223.

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4 DATED this 17th day of January, 2017.

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8 The Honorable Richard A. Jones
9 United States District Judge
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